

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FREDRICK STEVE DATES, an individual. Plaintiff. v. MILAN MILJKOVIC, an individual and VONDENI KREVET CORPORATION, a business entity Defendants.	Civil Action No.: JURY TRIAL DEMANDED
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Filed on behalf of Plaintiff:

FREDRICK STEVE DATES

Counsel of Record for this Party:

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COMPLAINT IN CIVIL ACTION

AND NOW comes the Plaintiff, FREDRICK STEVE DATES, by and through his attorney, Todd Jonathan Hollis, Esquire, of Todd J. Hollis Law, and claims damages of the Defendants MILAN MILJKOVIC, an individual and VONDENI KREVET CORPORATION upon a cause of action whereof the following are statements:

PARTIES

1. The Plaintiff, FREDRICK STEVE DATES (“Mr. Dates”), is an adult individual who resides in Washington County, Pennsylvania.
2. The Defendant, MILAN MILJKOVIC (“Mr. Miljkovic”) is an adult individual.

At all times material to the collision referenced herein and hereinafter described, Mr. Miljkovic was the driver/operator of a vehicle, a semi tractor trailer (2007 Volvo Red 670) that collided with Mr. Dates vehicle within the County of Washington, Commonwealth of Pennsylvania.

3. The Defendant, VONDENI KREVET CORPORATION (“Vondeni”), is a business entity doing business in Illinois. At all times material to the collision

referenced herein and hereinafter described, Vondeni was the owner of a semi tractor trailer (2007 Volvo Red 670), the same vehicle that collided with Mr. Date's vehicle.

FACTUAL BACKGROUND

4. The events upon which this Complaint is based occurred on July 28, 2017, on the Pennsylvania Turn Pike at Mile marker 176.1
5. Defendant, Miljkovic, was the operator of the semi tractor trailer. It is believed and therefore averred that he was acting for and on behalf of his employer or contractor Vondemi.
6. While Mr. Miljkovic was driving this vehicle on the Pennsylvania Turn Pike mile marker point (MP) 176.1, he operated this vehicle in such a way that he negligently struck or caused his vehicle to struck Mr. Dates's vehicle causing injury to Mr. Dates.
7. Mr. Miljkovic negligently drove his vehicle in such a manner that he struck or caused his vehicle to be struck by Dates' vehicle which led to Mr. Dates' injury.
8. This collision caused an impact that was so violent that Mr. Dates suffered severe physical injuries.
9. Mr. Miljkovic's negligence and carelessness caused injury to Plaintiff Dates.
10. Defendant Vondeni's negligent and careless entrustment of said vehicle to Defendant Miljkovic caused injury to Plaintiff Dates.
11. As a result of the Defendants Miljkovic and Vondeni's actions, Mr. Dates has suffered serious injuries to his body.

12. The Defendant Miljkovic failed to responsibly control his motor vehicle. Mr. Dates had no time to react in order to change position or take safe evasive action to protect himself from the impact of Defendant Miljkovic.
13. As a direct, sole, and proximate result of Defendant Miljkovic and Vondeni's negligence, Plaintiff Dates sustained injury.
14. Due to Defendants Miljkovic and Vondeni's negligence, Plaintiff could not take any steps or action to avoid injury.
15. Defendant Miljkovic's failure to properly, cautiously, and prudently operate his vehicle constituted a substantial disregard for the safety of the Plaintiff and the surrounding public.
16. The collision between the vehicle operated by Mr. Miljkovic was a direct and proximate result of him individually operating his vehicle in a careless and negligent manner.
17. The impact and result of the collision hereto and hereinafter described proximately caused Plaintiff Dates to sustain numerous injuries and damages.
18. The losses, injuries and damages to Plaintiff, hereinafter described, were caused by the negligence of the Defendants Miljkovic and Vondeni, in some or all of the following particulars:
 - (a) In illegally driving at an unsafe speed;
 - (b) In failing to exercise proper control of his vehicle;
 - (c) In failing to adequately apply the brakes of the vehicle in time to avoid colliding with Mr. Dates;

- (d) In failing to exercise due care under the circumstances which the Defendants knew or should have known were presented by road conditions existing on the road;
- (e) In failing to operate the vehicle using due care and acting in due regard for the rights and safety of the Plaintiff;
- (f) In operating the motor vehicle with a careless disregard for the safety of other persons and property in the area;
- (g) In being inattentive under the circumstances;
- (h) In failing to drive around or otherwise avoid or prevent the accident complained of;
- (i) In driving carelessly and dangerously, violating Pa.C.S. §3714A, §3351, §3714(A) and Pa.C.S. §1515(A)
- (j) In failing to have the vehicle under proper control, given the circumstances, the traffic and road conditions at the time of the collision;
- (k) In failing to keep a proper lookout for traffic conditions and road conditions then and there existing, including the presence of the Plaintiff;
- (l) In violating the provisions of the Pennsylvania Motor Vehicle Code regulating the operation of motor vehicles;
- (m) In failing to operate the vehicle's brakes in such a manner that the respective vehicle could be stopped before colliding with Plaintiff Dates;

- (n) In failing to observe and act with reasonable care relative to the traffic and road conditions;
- (o) In failing to avoid the accident by applying the vehicle's brakes; and;
- (p) In failing to avoid the accident by changing the direction of the vehicle.

COUNT I

NEGLIGENCE

Plaintiff, FREDRICK STEVE DATES, an individual.
v.
Defendant , MILAN MILJKOVIC, an individual.

- 22. The allegations contained in paragraphs (1) through (21), inclusive, of this Complaint, are incorporated herein by reference.
- 23. As a direct, sole and proximate result of the aforesaid collision and Defendant Miljkovic's negligence as more particularly set forth at length herein, Plaintiff Dates was violently jolted, jarred, and thrown, whereby he sustained the following serious personal injuries:
 - a. concussion;
 - b. headache;
 - c. neck sprain;
 - d. back pain;
 - e. nervousness, emotional tension, and anxiety;

f. other injuries, all of which, including the above, may be permanent.

24. As a direct, sole, and proximate result of Defendant Miljkovic's negligence, Plaintiff sustained the aforementioned damages, including but not limited to, lost wages, medical expenses, pain, and suffering.

25. As a direct, sole, and proximate result of Defendant's negligence, Plaintiff has sustained a "serious injury" as defined by the Pennsylvania Motor Vehicle Financial Responsibility Law.

26. As a direct, sole and proximate result of Defendant Miljkovic's negligence Plaintiff has sustained a serious impairment of his bodily functions.

27. As a direct, sole, and proximate result of the Defendant Miljkovic's negligence, Plaintiff has, in the past, and may, in the future, be required to expend sums of money for hospital bills, doctor's bills, other medical bills, and other incidental expenses in an attempt to make a cure for himself.

28. As a direct, sole, and proximate result of the negligence of Defendant Miljkovic, Plaintiff has been unable to engage in his usual activities.

29. As a direct, sole and proximate result of the negligence of Defendant Miljkovic Plaintiff has suffered a loss of earnings and/or impairment of earning capacity and power; said losses are or will be in excess of the minimum benefit provided

pursuant to the Pennsylvania Motor Vehicle Financial Responsibility Act, 75 Pa.C.S.A. §1701, *et seq.*

30. As a direct, sole, and proximate result of the negligence of Defendant Miljkovic Plaintiff has suffered significant impairment, disabling him from employment.

31. As a direct, sole, and proximate result of the negligence of Defendant Miljkovic, the consequence of the injuries sustained by Plaintiff has had a serious impact on the foreseeable future for the Plaintiff.

32. As a direct, sole, and proximate result of the negligence of the Defendant Miljkovic, Plaintiff is more susceptible to re-injury.

WHEREFORE, Plaintiff, demands judgment in his favor, and against the Defendant, MILAN MILJKOVIC, for compensatory damages and for punitive damages, together with costs of this action, and all other relief this Honorable Court deems appropriate under the circumstances.

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COUNT II

NEGLIGENT ENTRUSTMENT

Plaintiff, FREDRICK STEVE DATES, an individual.

v.

Defendant, VONDENI KREVET CORPORATION, a business entity.

33. The allegations contained in paragraphs (1) through (32) of this Complaint are incorporated herein by reference.

34. The injuries, harm, and damages were incurred by the Plaintiff as a result of the use of the vehicle by Defendant Miljkovic in a negligent, careless and reckless manner, which because of youth, inexperience, and prior actions, Defendant VONDENI KREVET CORPORATION knew, or had reason to know, was likely and involved an unreasonable risk of harm to others while driving a vehicle.

35. Defendant VONDENI KREVET CORPORATION, as the owner of the vehicle to Defendant Miljkovic, had the right to permit and the power to prohibit the use of that vehicle.

36. Defendant VONDENI KREVET CORPORATION knew, or had reason to know, that Defendant Miljkovic because of youth, inexperience, and/ or prior actions, was likely to drive his vehicles in a negligent and reckless manner.

37. As a direct result of Defendant Vondeni negligently entrusting Defendant Miljkovic, who operated said vehicle owned by Defendant Vondeni in a negligent manner, the Plaintiff, without any contributory negligence, did suffer the injuries, damages, and harm previously enumerated in this Complaint.

Plaintiff Dates prays for judgment against Defendant Vondeni for:

- a. All past medical expenses incurred by the Plaintiff, according to proof;
- b. All past personal property damage incurred by the Plaintiff, according to proof;
- c. All prejudgment interest;
- d. Costs of suit incurred herein; and
- e. Such other and further relief as the Court may deem just and proper.

WHEREFORE, Plaintiff, demands judgment in his favor, and against the Defendant, VONDENI KREVET CORPORATION, for compensatory damages and for punitive damages, together with costs of this action, and all other relief this Honorable Court deems appropriate under the circumstances.

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Respectfully submitted,

TODD J. HOLLIS LAW

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